
**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BK 10-35110

**R & S Heating & Air Conditioning,

Debtor.**

Chapter 11

**APPLICATION FOR ORDER
APPROVING THE
APPOINTMENT OF TRUSTEE**

The United States Trustee applies to the United States Bankruptcy Court for an Order approving the appointment of John R. Stoebner as chapter 11 trustee in the above cases.

The United States Trustee consulted with the following parties in interest regarding the appointment:

- A. Timothy D. Moratzka, counsel for the Unsecured Creditors' Committee;
- B. Joseph A. Wentzell, counsel for the debtor;
- C. Monica L. Clark, counsel for Lennox National Account Services LLC.

To the best of the Applicant's knowledge, all of John R. Stoebner's connections with the debtor, creditors, other parties in interest, their respective attorneys and accountants, the United States Trustee, and persons employed in the office of the United States Trustee are set forth in the attached Verified Statement which is attached hereto and incorporated herein by reference as Exhibit A.

Dated: November 17, 2010

Respectfully submitted,

HABBO G. FOKKENA
United States Trustee
Region 12

/s/ Robert B. Raschke
Robert B. Raschke, 161081
Assistant U.S. Trustee
Office of the U.S. Trustee
U.S. Courthouse, Suite 1015
300 South Fourth Street
Minneapolis, MN 55415
TELE: (612) 334-1350

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Exhibit A

Verified Statement

I, John R. Stuebner, hereby state the following under penalty of perjury, under 18 U.S.C. § 1001: **See attached Affidavit**

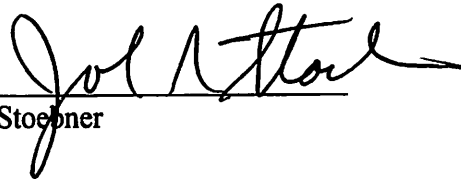
To the best of my knowledge, information and belief, I have no connections with the debtor, creditors, other parties in interest, their respective attorneys and accountants, the United States Trustee and persons employed in the office of the United States Trustee, except for those connections set forth below:¹

1. I serve on the panel of chapter 7 trustees for Region 12, District of Minnesota.

Dated: _____

11-17-10

John R. Stuebner



¹ All connections must be fully disclosed and explained. If there are no connections, indicate "none in the space provided"

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AFFIDAVIT OF JOHN R. STOEBNER

I, John R. Stoebner, hereby state the following under penalty of perjury, under 18 U.S.C. §

1001:

1. I have filed income tax returns for three years preceding appointment.
2. I owe no delinquent tax obligations to any taxing authority.
3. I have never been convicted of a felony.
4. I am not addicted to any drug, narcotic or alcohol.
5. There are no outstanding money judgments entered against me.
6. I am not individually named as a defendant in any lawsuit pending at this time.
7. I am not delinquent in repaying any outstanding student loan obligations.
8. I hereby agree to submit to a background check and to furnish all information and documentation needed to resolve questions arising therefrom.
9. That I will promptly advise the Office of the United States Trustee of any circumstances that cause any statement in this affidavit to change.

Dated this 17th day of November, 2010


John R. Stoebner
AFFIANT

STATE OF MINNESOTA

)

) ss:

COUNTY OF HENNEPIN

)

Executed and acknowledged before me, the undersigned notary, on this 17th day of November, 2010.


NOTARY PUBLIC My Commission expires on: Jan 31, 2015



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APPOINTMENT OF TRUSTEE IN CHAPTER 11 CASE

Based upon the order of the United States Bankruptcy Court for the District of Minnesota directing the appointment of a chapter 11 trustee, dated November 15, 2010, the United States Trustee hereby appoints the following person as chapter 11 trustee in the above case:

John R. Stoebner
Lapp, Libra, Thomson, Stoebner & Pusch
One Financial Plaza, Suite 2500
120 South Sixth Street
Minneapolis, MN 55402

Dated: November 17, 2010

HABBO G. FOKKENA
United States Trustee
Region 12

/s/ Robert B. Raschke
Robert B. Raschke, 161081
Assistant U.S. Trustee
Office of the U.S. Trustee
U.S. Courthouse, Suite 1015
300 South Fourth Street
Minneapolis, MN 55415
TELE: (612) 334-1350

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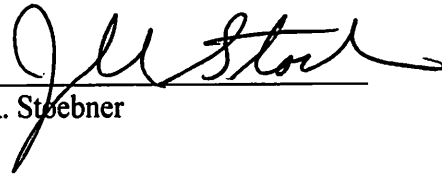
**Acceptance of Appointment as
Chapter 11 Trustee**

1. The undersigned hereby accepts appointment by the United States Trustee to the position of trustee in the above-referenced cases.
2. The undersigned acknowledges that he must, within five (5) days of the date of the entry of the Court's approval of my appointment, qualify for a bond to ensure his faithful performance of the chapter 11 trustee's duties. The amount of the bond shall be determined by the United States Trustee.

Dated: _____

11/17/10

John R. Stuebner



**UNITED STATES BANKRUPTCY COURT
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ORDER APPROVING THE APPOINTMENT OF TRUSTEE

Based upon the Application for Order Approving Appointment of Trustee filed by the
United States Trustee,

IT IS ORDERED: The appointment of John R. Stoebner as the chapter 11 trustee in the
above case is approved.

BY THE COURT:

Dated:

Gregory F. Kishel
United States Bankruptcy Judge